

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**BRIARWOOD INVESTMENTS, INC.,
Individually, and On Behalf of All Others
Similarly Situated,**

Plaintiff,

V.

CARE INVESTMENT TRUST, INC.,

Defendant.

Electronically Filed

Civil Action No.: 1:07-cv-08159-LLS
(ECF Case)

Hon. Louis L. Stanton

AFFIDAVIT OF CHRISTOPHER J. KELLER

STATE OF NEW YORK

COUNTY OF NEW YORK

))) SS:

CHRISTOPHER J. KELLER, being duly sworn, deposes and states, under pains and penalties of perjury, as follows:

1. I am a member of Labaton Sucharow LLP.
2. I submit this declaration as a full and candid answer the Court's question of why the stipulation submitted on December 10, 2007, did not identify Labaton Sucharow as counsel for State-Boston Retirement System ("Boston") and why the Boston motion was not withdrawn, and in support of the accompanying memorandum seeking entry of the amended stipulation.
3. The answer to the first question is that it was a clerical oversight. That Labaton Sucharow was identified in the signature block as representing the Norfolk County Retirement System, but not the Boston fund, was unintentional. Labaton Sucharow has represented the

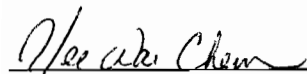
Boston fund at all times throughout this litigation including at the time the stipulation was signed and submitted. The omission was not a conscious one.

4. Boston's motion was not withdrawn because the stipulation, by seeking relief that was inconsistent with the earlier-filed motion, was intended to supersede the motion without necessitating a formal withdrawal. A formal withdrawal of Boston's motion is being submitted herewith for the Court's consideration.

5. Labaton Sucharow and Coughlin Stoia will efficiently litigate this action and will ensure that no duplication of effort occurs.


Christopher J. Keller

Sworn to before me this
11th day of January, 2008


Notary Public

My Commission Expires: December 31, 2009

Yee Wai Chan
Notary Public, State of New York
No. 01CH6068383
Qualified in Queens County
Commission Expires Dec. 31, 2009